

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION**

**JULY 12, 2004**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, July 12, 2004, at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were Chair Gary Wolf, Portia Shipman, Paul Gilmer, Bill Schneider, Janet Wright, Tony Collins, Maureen McDonnell (arrived at 2:14 p.m.), Brian Byrd and J.D. Haynes. The Planning Department was represented by R.W. Morgan, Assistant City Manager, Richard W. Hails, Planning Director, Bill Ruska, Zoning Administrator, and Heidi Galanti, Comprehensive Planner. Blair Carr, Esq., was also present from the City Attorney's Office.

Chair Wolf welcomed everyone to the Zoning Commission regular meeting. He explained the procedures of the meeting.

Chair Wolf stated that if any person was going to speak on a request, at the appointed time, he/she should come to the speakers stand and give their name and address for the record. He further advised that each side would be limited to a total of 25 minutes, regardless of the number of persons speaking for that particular side. Each side may also have an additional 5 minutes for rebuttal.

**APPROVAL OF THE MINUTES OF THE JUNE 14, 2004 REGULAR MEETING.**

Ms. Wright moved approval of the June 14, 2004 regular meeting minutes without change, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, Byrd, Haynes. Nays: None.)

**CHANGES IN AGENDA**

Mr. Ruska said the applicant in Item G had requested a withdrawal of their request.

Ms. Wright moved approval of the withdrawal of Item G from today's agenda, seconded by Mr. Gilmer. The Commission voted 8-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, Byrd, Haynes. Nays: None.)

**PUBLIC HEARINGS:**

- A. AN ORDINANCE REZONING FROM GENERAL OFFICE MODERATE INTENSITY TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITION: 1) USES: ALL USES ALLOWED IN THE GENERAL BUSINESS DISTRICT EXCEPT (A) USES WITH VEHICULAR DRIVE THROUGH SERVICE; AND (B) USES WHICH REQUIRE THE ON-SITE OUTDOOR STORAGE OF VEHICLES AND/OR HEAVY EQUIPMENT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF WEST FRIENDLY AVENUE NORTH OF HUNT CLUB ROAD AND WEST OF FRANCIS KING STREET – FOR 5921 PARTNERS, LLC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if the applicant would come forward to speak.

Michael Fox, Esq., 228 West Market Street, stated that he represented the applicant, 5921 Partners, LLC. He said Mr. Ruska had done a good job summarizing the nature of this property. He explained the applicant's reason for the modification in zoning. Attorney Fox said a connection to the adjoining Harris Teeter property would not be feasible because there is a large detention pond between the two properties. He also spoke to the bio-retention pond that will be placed on the subject property.

Ms. McDonnell arrived at 2:14 p.m. and participated in the balance of the meeting.

Attorney Fox said the applicants thought this would promote one of the policies that the planning staff has pointed out in its report, that being promoting the development of under-used properties. The footprint of the building will not be expanded; this modification in zoning will permit the applicants to place a greater variety of tenants in the building.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan said approval of this request will allow a mix of office and retail/service uses within this building. Compatibility with adjacent land uses will be maintained through the condition that prohibits any use with vehicular drive through service and prohibits uses that would require on-site storage of vehicles and/or heavy equipment.

This property contains a 12,300 square foot building and 49 parking spaces, which exceeds the required number of spaces. The site contains one access driveway that is centrally located. Since the amended parking standards for offices, retail and many service uses now require one space per 300 square feet of gross floor area, parking should not be a problem in accommodating many potential GB uses.

This request is consistent with the Mixed Use Commercial designation and the Activity Center designation on the General Future Land Use Map of the Comprehensive Plan. The Planning Department recommended approval.

Ms. Wright moved the ordinance as to Item A, an ordinance rezoning from General Office Moderate Intensity to Conditional District - General Business with the condition set forth in the application, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

**B. AN ORDINANCE REZONING FROM HIGHWAY BUSINESS TO RM-26 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF JOLSON STREET SOUTH OF EAST BESSEMER AVENUE – FOR WILLIAM BESSOIR. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked that the applicant come forward to speak.

William Bessoir, 311 Montrose Drive, explained why he wished to have the subject property rezoned from HB to RM-26 Residential Multifamily and his plans for the use of the property. He also explained the impact that he felt his plans would have on the surrounding properties. For information only, he presented a picture of the building they plan to build on the property.

Luther Slate said he owned property adjacent to the subject property. He said he had no objections to the requested rezoning.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan said the property at the southwest intersection of Jolson Street and East Bessemer Avenue was rezoned from Highway Business to General Business by the Zoning Commission on July 8, 2002.

This request has characteristics of spot zoning. There are extended areas of multifamily zoning to the north and east that are presently zoned RM-18. Staff feels that if HB is not the proper zoning for this property, then General Business or Light Industrial would be more compatible with surrounding land uses and the established zoning pattern for this area. The Planning Department recommends denial of this application.

In response to questions from the Commission, Mr. Ruska said staff felt that the long term land use pattern would not be residential there. He said staff felt it would create an island of residential zoning. He said the property was zoned non-residential under the previous ordinance and that the existing zoning lines at the time of the UDO remapping were simply translated into the new non-residential districts. He thought all of the residential uses were always zoned either commercial and/or Industrial L under the old ordinance.

Mr. Collins said he did not have a problem with this rezoning and felt the Commission should probably approve it. He gave his reasons for this. Ms. Wright agreed with Mr. Collins.

Ms. Wright moved the ordinance as to Item B, an ordinance rezoning from Highway Business to RM-26 Residential Multifamily, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

**C. AN ORDINANCE REZONING FROM PUBLIC AND INSTITUTIONAL TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF BUFF STREET EAST OF BRITTON STREET – FOR MARK FUNDERBURK. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked that the applicant come forward to speak.

Mark Funderburk, 4004 Oak Grove Avenue, applicant, gave the reasons why they feel RS-9 Residential Single Family would be the best use of the subject property.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan said the applicant would have to provide a minimum of 30 feet of street frontage to meet the ordinance requirement. This request is consistent with Connections 2025 policies of promoting mixed-income neighborhoods and provision of affordable housing opportunities. It is a good example of desirable infill. The Planning Department recommends approval.

Ms. Wright moved the ordinance as to Item C, an ordinance rezoning from Public and Institutional to RS-9 Residential Single Family, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

**D. AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN ASPHALT PLANT WITH THE FOLLOWING CONDITION: 1) 16-FOOT WIDE STREET PLANTING YARD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF BURNT POPLAR ROAD WEST OF SOUTH CHIMNEY ROCK ROAD – FOR HILLTOP PROPERTIES, LLC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as the surrounding properties. He also presented slides of the subject property.

Chair Wolf asked that the applicant come forward to speak.

Charlie Melvin, Esq., 300 North Greene Street, was sworn in and mentioned a previous Special Use Permit application for a site on Boulder Road, which was denied by the Commission in May 2004. He said Sharpe Brothers, the applicant under the previous application, would operate the plant on the subject property. He gave the applicant's reasons for requesting favorable consideration of the present request and why the Special Use Permit should be approved.

Ivan Clayton, Vice President of Sharpe Brothers, 2854 Hackett's Lake Road, was sworn in and explained that Sharpe Brothers would operate the facility. He gave his opinion as to why he thought the Commission should approve this Special Use Permit request. He explained the environmental permits that they would have to obtain to operate this facility.

David Buschiers, 5201 North Orange Blossom Trail, Orlando, Fla., Senior Vice President for Technology for GENCO Industry, was sworn in and said they were the manufacturer of this plant. He spoke about the hot mix asphalt industry and why it was important to this community.

James Day McNairy, 1616-A Battleground Avenue, was sworn in and said he was a real estate appraiser. He gave his opinion that the facility proposed would not have any negative affect on the adjoining properties or the area.

Richard Shipman, President of Shipman Trucking Services, 310 West Old Greenco Road, Burlington, NC, was sworn in and gave his opinion as to the need for the proposed asphalt plant. His company serves the Burlington, Greensboro and Winston-Salem area.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request.

Pauline Adkins, 210 South Chimney Rock Road, was sworn in and said her opposition was based on environmental concerns. She has been subjected to the dust and fumes from the State moving in across the road to widen I-40. She is also sandwiched in between Mast Tank Wash.

Mr. Morgan stated that Section 30-5-2.14 of the Development Ordinance establishes a number of development standards for asphalt plants, including a provision that any asphalt plant operations must be located at least 50 feet from any property line. Security fencing must be provided around the perimeter of the operation and there are provisions for site rehabilitation and drainage control. There is a requirement that all unpaved storage areas must be maintained in a manner that prevents dust from adversely impacting adjacent properties. Access roads leading to any part of the operation must be constructed with a gravel or asphalt stone surface and maintained in a dust free manner. Access roads must be located no closer than 15 feet to any property line. Finally, a plan must be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

This area has been uniformly zoned Heavy Industrial for many years. Heavy industrial zoning is the most appropriate designation for an asphalt plant and, in light of the amount of building and highway construction that is currently underway and pending in the Triad, it is logical to have an asphalt plant in the area. This site provides good access to Interstate 40, the Airport Area, and the growing area bounded by Winston-Salem and Kernersville, northern High Point and western Greensboro. The Planning Department recommends approval of this request for a Special Use Permit.

Ms. Wright moved that the ordinance granting a Special Use Permit for this property for an asphalt plant be approved based on the following findings of fact: The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the proposed use of the property at this location; that the use will meet the restrictions imposed by the applicant that state that a 16 foot wide street planting yard will be provided; the use will not substantially injure the value of adjoining or abutting property because all surrounding property is currently zoned for the full range of uses permitted under the Heavy Industrial zoning classification; the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this area is uniformly zoned Heavy Industrial and this area is designated as Industrial/Corporate Park by Connections 2025; seconded by Mr. Collins.

Ms. Wright commented that she applauded the applicant for having gone back to the drawing board and work with the City and with the community in order to find something that would be a win/win situation for everyone.

Mr. Gilmer said he agreed with Ms. Wright. He thought this was a better location and he would be supporting it.

The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

Chair Wolf said Mr. Byrd had abstained from voting on this item since he was a member of the same law firm as Attorney Melvin.

Ms. Wright moved approval of Mr. Byrd's abstention from Item D, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Haynes. Nays: None. Abstain: Byrd.)

**E. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF DREWSBURY DRIVE EAST OF CHURCH STREET – FOR JOHN MARKS. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if the applicant would come forward to speak

John Marks, 4608 West Wendover Avenue, handed up documents for the Commission's consideration. He then went through the documents, speaking to each one and explaining why he wished to have the subject property rezoned.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan said the property on the north side of Milliken Street between Church Street and Coltrain Road was rezoned from RS-12 to RS-9 by the Zoning Commission on June 10, 2002. City Council has established the policy for dealing with rezoning requests of this nature, i.e. zoning changes on uniformly zoned streets that simply result in the creation of one or two additional lots. On March 2, 2004 City Council voted unanimously to deny the rezoning from RS-12 to RS-7 for property on the north side of Wilcox Drive between Pineway Drive and Pineneedle Drive. This request is very similar to that previous request which was rejected as being incompatible with the neighborhood. Such requests, especially when located in the middle of the block, tend to be disruptive to and inconsistent with the character of a neighborhood. In the Wilcox Drive case, City Council expressed concerns about the relationship of lot width to appearance on a street which had homes built to RS-12 standards, e.g. side setbacks of principal buildings. This case is no different in that regard. The Planning Department recommends denial of this application.

Mr. Marks explained that on Milliken Street in the RS-9 area, the only thing that complied with RS-9 was the depth; the lots are 50 foot wide lots. These lots were deeded in this manner 40 years ago. He said the Wilcox Drive area was not comparable to the subject area.

Ms. Wright moved the ordinance as to Item E, an ordinance rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

**E. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL AND RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF BYERS ROAD BETWEEN GLENSIDE DRIVE AND NORFOLK SOUTHERN RAILWAY MAIN LINE – FOR WILEY A. SYKES, JR. AND WILEY A. SYKES, III. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked that the applicant come forward to speak.

Wiley A. (Jack) Sykes, Jr., 820 Larkwood Drive, said he and his son were the principals in this property. He explained their plans for development of these 53 acres of land. He said the units would most probably be clustered and they would then give 8-9 acres of the land to the City for the drainage easements and the greenway belts.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request.

Bobby Varner said he had lived at the end of Byers Road for 44 years. He was wondering how this rezoning would affect his property.

Chair Wolf said this RS-9 property would be similar to the RS-9 across the road from this property. He also said he could not see a crime issue with these new homes. He said he could not imagine a scenario in which Byers Road would not be extended into this development, with access provided through the development to Glenside Drive. The City would require connectivity of different road-ways in and out of the neighborhood.

Mr. Morgan said this request is in the middle of an extended area designated as Low Residential (3-5 dwelling units/acre) and, at 4.0 units per acre or less, it is consistent with that designation. This request is consistent with Connections 2025 policies of promoting mixed-income neighborhoods, diversification of new housing stock, and provision of affordable housing opportunities. It appears there is a drainageway crossing this site that is depicted on the City's "Drainageway and Open Space" map. When this site is subdivided, the Subdivision Ordinance would require the dedication of those areas to the City of Greensboro as drainageway and open space. The Planning Department then recommended approval of this request.

Ms. Wright moved approval of the ordinance as to Item F, an ordinance rezoning from Light Industrial and RS-12 Residential Single Family to RS-9 Residential Single Family, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

**G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-30 RESIDENTIAL SINGLE FAMILY TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF DESMOND DRIVE NORTH OF TAYLORCREST ROAD – FOR ALICE B. MYERS AND BARBARA B. BROWN. (WITHDRAWN)**

This item was withdrawn at the beginning of the meeting.

**H. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ANY USES AVAILABLE UNDER RM-8 CLASSIFICATION. 2) DENSITY OF DEVELOPMENT SHALL NOT EXCEED THE MAXIMUM DENSITY ALLOWED UNDER THE RM-5 CLASSIFICATION. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF SOUTHERN WEBBING MILL ROAD AND SUMMIT AVENUE EAST OF NORFOLK SOUTHERN RAILWAY MAIN LINE – FOR PMS VENTURES, LLC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if the applicant would come forward to speak.

John Higgins, Esq., 101 West Friendly Avenue, said he was representing Bill Ray and son, David Ray, who operate as Tuscany Development. They have a contract to purchase this property. He stated he wished to amend the application by adding two additional conditions:

- 3) As part of the plan for development of the subject property, the owner of the property will dedicate to the City of Greensboro an additional 10 feet for the purpose of widening the existing right-of-way for Summit Avenue. Such dedication will run the length of the approximately 200 foot frontage of the subject property along Summit Avenue.
- 4) Prior to developing more than 84 housing units upon the subject property for the purpose of handling vehicular traffic flowing northward on Summit Avenue and making a left-hand turn onto Southern Webbing Mill Road must be provided.

Mr. Byrd moved that Item H be amended to incorporate the two new conditions proposed, seconded by Mr. Collins. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

Attorney Higgins explained briefly what was proposed for the subject property and some of the problems that had either been solved or were in the process of being solved.

Counsel Carr said she had a question for clarification on Condition No. 3. As a residential development, there would be a required dedication of right-of-way pursuant to the Development Ordinance. She wanted clarification of "an additional 10 feet will be dedicated to the City." Is that in addition to the right-of-way he would have to dedicate under the UDO anyway?



Attorney Higgins responded no.

Chair Wolf asked if this Condition were needed if the UDO requires them to do something on that right-of-way. He said he did not want this Condition to imply that the City is prohibited from asking what the UDO would require regardless.

Attorney Higgins then suggested that Condition No. 3 be deleted.

Mr. Collins moved that Condition No. 3 set forth above be deleted, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

In response to a question from Mr. Byrd, Attorney Higgins said with the low density anticipated for this property, he thought that made the possibility of apartments problematic. The only site plan developed to date was for strictly detached single family, but it would be market-driven. Theoretically, you could put apartments on it. Although the rezoning requested was RM-8, you could really look at it as an RM-5 request.

Chair Wolf asked if there was anyone present who wished to speak in opposition to this request and no one came forward.

Mr. Morgan stated that this request is in the middle of an extended area designated as Low Residential (3-5 dwelling units/acre) and, at 5.0 units per acre or less, is consistent with that designation in the Generalized Future Land Use Map in the Connections 2025 Plan. This request is consistent with Connections 2025 policies of promoting mixed-income neighborhoods, diversification of new housing stock, and provision of affordable housing opportunities. It appears there is a drainageway crossing this site that is depicted on the City's "Drainageway and Open Space" map. When this site is subdivided, the Subdivision Ordinance would require the dedication of those areas to the City of Greensboro as drainageway and open space. The Planning Department recommends approval of this application.

Mr. Byrd moved the ordinance as to Item H, an ordinance rezoning from Light Industrial to Conditional District - RM-8 Residential Multifamily, subject to the two conditions set forth in the original application and the additional condition added during this hearing, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Schneider, Wright, Collins, McDonnell, Byrd, Haynes. Nays: None.)

#### **ITEMS FROM THE PLANNING DEPARTMENT:**

##### **A. UPDATE ON COMPREHENSIVE PLAN DISCUSSIONS**

Ms. Galanti shared with the Commission some proposed amendments to Chapter 10 of the Connections 2025 Comprehensive Plan that have been called for by the City Council. She handed out to the Commission a packet that she said went to the Planning Board at its last meeting, which summarizes the proposed amendments.

At the May 25 Council Briefing, Council directed staff to prepare amendments to Chapter 10 of Connections 2025 Plan to allow the following:

- 1) That all rezoning requests, regardless of size, in conflict with The Plan will require a Plan Amendment.
- 2) That all Plan Amendments associated with a rezoning case shall track with the rezoning case and be heard on the odd months at a joint hearing of the Planning Board and Zoning Commission. The hearing will be held on the day of the regular Zoning Commission meeting and the recommendations will be forwarded to City Council for a public hearing and final decision.
- 3) If approved by Council, the Generalized Future Land Use Map will be amended to reflect the boundaries of the rezoning case. (Ms. Galanti showed an example on the screen and explained the situation. This will happen with all cases that are determined to be in conflict with The Plan and, if approved by Council, then the Map would change with all of those approvals.)
- 4) In the packet is an example of what those changes would look like in Chapter 10 and also what the proposed changes in Chapter 30 would be.

The Planning Board did hear this at its last meeting and approval was recommended by a vote of 6-0. This will go to Council for final decision next Tuesday, July 20. If needed, the first joint meeting would be held in September.

Mr. Ruska said currently the text of the ordinance allows the Commission to make final decisions under certain circumstances, that is if there are six or more favorable votes and nobody appeals it. But what Council is talking about in this new procedure is that, if there is a request that is in conflict with the Comprehensive Plan, regardless of what your vote is, it will go to Council for the final decision. That text amendment is going to be part of what Council will be considering at their July 20 meeting.

#### **B. JOINT MEETING WITH PLANNING BOARD**

Mr. Ruska said staff would have to design the agenda so that they would put the items that would be subject to joint public hearing on the first part of the agenda. Once you have concluded with any of those types of cases, then you would move on to what would be a more normal Zoning Commission agenda and the Planning Board would either be excused or continue their meeting elsewhere.

Mr. Ruska said they would have to discuss the logistics of the joint meeting, but they have had occasions where they have had joint meetings to consider a corridor plan, for example, where it is crowded, but everybody has sat up front.

Mr. Morgan said staff would meet with the two Chairs, if Council approves this. It will be staff's decision about whether it is in compliance with the Plan or not. Because the 10 acre exemption is being done away with, staff has informed the Council of this, although staff would prefer and Council would prefer that the map be interpreted as containing fuzzy line or blurred lines. When an applicant turns in an application on the final day at 4 o'clock, the staff is going to have to make a quick decision and, in those situations, the Map is going to take

on a little more importance. If during the process of looking at other policies in the Comprehensive Plan the staff may decide that it is not in conflict with the Plan, and, instead of being on the joint agenda, it will be placed on the normal Zoning Commission agenda, if notification and advertising schedules can be met.

Mr. Ruska said staff was going to have to make a concerted effort to try and get applicants to bring their requests in prior to that deadline day so staff can try to avoid as many 5 minutes until 5:00 p.m. situations where somebody wants to turn in a rezoning application.

**D. CRITERIA FOR REVIEWING REZONING APPLICATIONS**

Mr. Ruska said each Commission member should have a copy of this. The purposes of these criteria are several fold.

- 1) Staff is encouraging the Zoning Commission to use these criteria to start evaluating rezoning requests. These are all principles that are in the Comprehensive Plan itself or close to them. Staff would like the Commissioners to start looking at zoning cases in light of these criteria. And actually, as the case may be, using these criteria as appropriate in your motions, either approving or denying a rezoning request. All criteria will not relate to every case, but there are many criteria here that will be useful to you in evaluating future rezoning requests.
- 2) The applicant for a rezoning would be given this checklist of criteria and informed that these are the criteria that will be used in evaluating the request. Hopefully in the future, we will end up developing some better rezoning applications, especially ones that involve conditions.

Mr. Morgan pointed out to the Commission that it is not staff's intent that Commissioners would give 30 reasons for their actions; what staff is asking for is that you give the primary reasons. Staff is not suggesting that you use these exact words. This is just a work sheet to give you the type of reasons that you may wish to use. Staff is also asking City Council to do this. By using these criteria, staff hopes to get some fine tuned directions from the Council as new policies are developing. Staff can then give better guidance to applicants and also can make better recommendations to this Commission and to the City Council.

Mr. Ruska added that staff did not want the Commission to think of these criteria as findings of fact, staff wants the Commission to think of these as reasons that you would give in supporting or denying a rezoning request and not to think of them as the formal findings of fact that you have to make in a motion.

Ms. Galanti said this really should be seen as a work sheet. It is not a finding of fact. It is coming from City Council since they have called for some kind of criteria to follow and so staff drafted these criteria and brought it before Council at their May 25 briefing and they approved it to be used by themselves and by the Commission and by the applicants.

Mr. Ruska said staff would like for the Commission to consider using these in August. He said staff would be using these criteria in the written staff report.

Mr. Ruska asked if the Commissioners were all comfortable retrieving this from the web site for each of the cases or, in the alternative, would they like staff to send them a copy of the criteria for each case.

There was a general discussion among the Commissioners regarding the use of the criteria.

Mr. Morgan said the Commissioners might have other reasons that are not on the work sheet. This is not an exhaustive list of all the reasons that you could propose. These reasons were primarily taken from the Comprehensive Plan, but there are one or two that are good planning principles that you have used in the past.

Chair Wolf said Mr. Hails was in attendance, and he is the new Planning Director.

In response to a question from Chair Wolf, Mr. Hails said he expected to take Mr. Morgan's position as of next month.

Chair Wolf said the Commission looked forward to working with Mr. Hails.

Chair Wolf said he most likely would not be at the August meeting and Mr. Collins, Vice Chair, would preside over the meeting.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

None.

**ACKNOWLEDGMENT OF ABSENCES:**

None

\* \* \* \* \*

There being no further business before the Commission, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

jd.ps